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In re Application of :
Kakuchi et al. :
Application No.: 10/583,856 :
PCT No.: PCT/JP04/19512 :
Int. Filing Date: 27 December 2004 :
Priority Date: 25 December 2003 :
Attorney Docket No.: 358275.30009 :
For: Hydroxamic Acid Derivative And Age Generation
Inhibitor Containing The Derivative :

DECISION

This is with regard to the petition under 37 CFR 1.182 filed on 03 October 2006.

BACKGROUND

This international application was filed on 27 December 2004, claimed an earliest priority date of 25 December 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 11 August 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 26 June 2006 (since 25 June 2006 was a Sunday). Applicants filed *inter alia* the basic national fee on 21 June 2006.

DISCUSSION

The instant petition seeks "to substitute the attached corrected Form PTO 1390" because "there were two errors on the first page of Form PTO 1390 in the original submission: (1) the international application number was incorrect on the first page of the form; and (2) the title of the application was incorrect on the first page of the form."

Inspection of the Transmittal Letter (Form PTO-1390) filed on 21 June 2006 reveals that it refers to international application number PCT/JP04/019582, and lists a title of "Fungus Having Activity Of Controlling Disease Of Gramineous Plant, Controlling Agent Using The Same, Method Of Controlling And Biological Material." It also refers to "a copy of the published PCT application under International Publication No. WO2005/073180A1;" said publication corresponds to international application no. PCT/JP04/19512. As such, the papers filed on 21 June 2006 did not uniquely refer to the instant international application. However, upon consideration of all of the evidence of record, including the instant petition and fee under 37 CFR 1.182, it would be appropriate to accept the corrected Transmittal Letter (Form PTO 1390) proffered by petitioner, thereby resolving the discrepancies noted above.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), an English translation of the international application, the surcharge under 37 CFR 1.492(h), and the processing fee under 37 CFR 1.492(i). The electronic records of the USPTO will also be updated to reflect the data shown on the corrected Transmittal Letter filed on 03 October 2006.



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